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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 002206

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STATE FOR EEB/TPP/ABT, NEA/ELA, DRL, G/TIP
STATE PASS TO USTR (KARESH, ROSENBERG, FRANCESKI)

E.O. 12958: DECL: 07/07/2018
TAGS: [ELAB](#) [ECON](#) [ETRD](#) [KTEX](#) [PGOV](#) [JO](#)
SUBJECT: LABOR LAW: WORKER PROTECTION IMPROVED, BUT FOREIGN
WORKERS' RIGHT TO JOIN UNIONS A BRIDGE TOO FAR

REF: AMMAN 1569

Classified By: CDA Daniel Rubinstein, for reasons 1.4 (b) and (d)

¶1. (C) Summary: Four of six proposed amendments to Jordan's Labor Law - including one expanding its coverage to domestic and agricultural workers - were endorsed by the Parliament during its special session. However, an amendment that would have allowed Jordan's legal foreign workers - 450,000 according to some media reports - representation in unions was cut for encroaching on state sovereignty. Also cut was an amendment that would have reduced the number of public holidays. The remaining 34 amendments were not discussed due to time limitations, and will be resubmitted to Parliament in the fall session. End Summary.

Scorecard

¶2. (SBU) Parliament approved further amendments to Jordan's Labor Law No. 8 for the year 1996, amended previously in 1997 and 1999:

--A tripartite Labor Affairs Committee was formalized. This committee will include representatives from employers, workers, and the Ministry of Labor (MOL), and will be chaired by the Minister of Labor. It will evaluate labor conditions, and make recommendations to the Minister of Labor on labor policy and standards, and on the mechanics of matching Jordanian labor standards to international and Arab standards. The committee will also discuss labor disputes and conduct studies on how labor policy may assist socioeconomic and development needs. The committee can submit recommendations to the Minister of Labor to expand the scope of newly implemented collective work contracts to other groups of workers.

--Agricultural and domestic workers, previously a major lacuna in the Labor Law, are now covered, and will be subject to a special by-law that will codify specific standards (such as wages, work contract norms, rest periods, inspection practices, and working hours) for their professions. The only workers now not covered under the Labor Law are government and municipal employees.

--Sexual harassment was added as one of the circumstances under which workers can immediately quit a job without notice, without forfeiting any of their rights or damage compensation. Furthermore, if the Minister of Labor finds evidence of physical assault or sexual harassment at a place of employment, the Ministry may shut down the offending employer's company for whatever period of time it sees fit.

--Fines for failure to comply with the Labor Law have been increased from JD 100-500 to JD 300-500. Courts may not reduce the fine to less than JD 300. Also, if an employer forces, threatens or coerces someone to work (including

withholding their passports), the offender faces a fine of JD 500-1000. Anyone peripherally involved in the case can also be punished under the same law. If the offender repeats the violation, fines are doubled.

13. (SBU) Two amendments were not passed:

--An amendment to decrease the number of public holidays.

--An amendment to give legal foreign workers in Jordan the right to join unions.

Whither Foreign Workers?

14. (C) The Lower House rejected an amendment that would have allowed non-Jordanian workers to join unions. Civil society groups and unions had favored the amendment, on the grounds that it would give needed protection to the, according to the Jordan Times, 300,000 foreign Arab and 150,000 foreign non-Arab workers in Jordan. The Jordan Times reported that the amendment was rejected so that foreign workers would not compromise Jordanian sovereignty by challenging the identity of Jordanian institutions.

15. (C) Union and civil rights contacts were disappointed that the foreign worker amendment was struck, and argue that the Parliament misunderstood it. Atef al-Majali, a lawyer with the National Center for Human Rights, told Poloff on July 6 that Parliament nixed the amendment due to unspecified fears regarding state security, but argued that it is quite a leap to conclude that just because foreigners are represented, they will gain control of unions, and if they gain control,

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that they could use the unions to destabilize the GOJ. Fathallah Umrani, President of the Jordanian Textile Union and a staunch advocate of including foreign workers in his union, lamented Parliament's ignorance of the international agreements that Jordan has already entered and that govern migrant workers (e.g., the International Covenant on Economic, Social and Cultural Rights (ICESCR) which stipulates that foreign workers, as long as they reside and are employed legally in a second country, have the right to join unions). Umrani blamed the Minister of Labor for doing a poor job of explaining the amendment to Parliament. NOTE: Jordan's garment sector employed approximately 34,000 foreign workers as of April 30, 2008. Umrani's union informally represents them and collects nominal dues as "associate members," a practice which the GOJ has tolerated despite its not being explicitly permitted by the law. END NOTE.

16. (C) The MOL is optimistic that the foreign worker issue will be revisited. Ministry of Labor Secretary General Gazi Shbeikat suggested part of the problem with the amendment was that it did not clearly specify what roles foreign workers could have in unions and who would make the necessary determination. He claimed that the MOL had considered lobbying the Senate committee to reject the Lower House's endorsements, but that they feared doing so would hinder approval of the other amendments that were ultimately passed.

Rather, MOL has decided to revisit the issue by clarifying the amendment and resubmitting it with other amendments for consideration in the fall's regular parliamentary session. For example, commenting on how the Textile Union currently gives informal representation to foreign workers, Shbeikat speculated that the new iteration of the amendment might try to formalize associate member status for foreigners in unions, which would assuage fears of foreigners taking over Jordanian unions.

Comment: Changes Generally Positive

17. (C) While the non-inclusion of foreign workers remains an unfortunate weakness, the recently legislated changes to the law are a step in the right direction. Of particular value is the amendment on domestic and agricultural workers, which

formalizes protection for a significant and at-risk segment of the working population. The changes to the Labor Law so far will give the GOJ a positive base to work from in the fall legislative session, where pending amendments are expected to contain clearer definitions of wage rights, workers' rights, collective bargaining rights, and a new maternity leave policy. Post will continue to closely follow the issue and engage the GOJ regarding the implementing regulations, enforcement of the new legislation, and revisiting the issue of foreign representation.

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